

Art Unit: 1794

Please cancel claims 16-27.

Please amend claim 1 to read as follows:

Claim 1 in line 4, replace "steroyl" with ~~steroyl~~ ^{stearoyl}

SB 4-6-09

Please amend claim 3 to read as follows:

Claim 3 in line 1, replace "3" with -----1-----

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Non-Dairy whippable foods have been known in the art. However, a whippable food product comprising 30-40% triglyceridic fats, emulsifiers between 0.15 to 0.41%, proteins between 0.2 to 0.5% by weight and one or more hydrophilic colloids, wherein the emulsifiers comprise polysorbate 60 (0.02 to 0.05%), polysorbate 80 (0.02 to 0.05%), lecithin (0.06 to 0.2%) and sodium stearoyl lactylate (0.05 to 0.11%) which is pourable oil-in-water emulsion at refrigerated temperatures, however, the whipped composition behaves as a water-in-oil emulsion, i.e., undergoes phase inversion to make a non-greasy smooth texture and no waxy mouthfeel, which was not known at the time of the invention.

Closest prior art of record Lynch et al (US 6203841 B1) discloses of whippable food compositions comprising of about 31% triglyceridic fats (Column 20, lines 25-45) as instantly claimed. Lynch also teaches of 0.1 to 5% emulsifiers, such as, polysorbate 60, and polysorbitan mono and distearate which include Polysorbate 80 and sodium stearoyl lactylate and various combinations as instantly claimed (Column 9, line 15 to Column 10, line 5). Lynch also teaches of 0 -2% stabilizers and bulking agents and hydrophilic colloids (Column 9, lines 40-55) as instantly claimed. Lynch further teaches that the whippable composition that is smooth, non-greasy texture and free of waxy mouthfeel (Columns 10-12 and claim 26), however, Lynch does not teach or disclose

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